

Kentucky Environmental Quality Commission

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ENVIRONMENTAL QUALITY COMMISSION

14 REILLY ROAD
FRANKFORT, KY 40601-1132

PAUL E. PATTON
GOVERNOR

June 21, 2000

The Honorable Paul E. Patton

State Capitol

Frankfort, Kentucky 40601

Dear Governor Patton:

The Kentucky Environmental Quality Commission (EQC) met on June 21, 2000 to review and vote on the Kentucky Natural Resources and Environmental Protection Cabinet's proposed confined animal feeding operations (CAFOs) regulations (401 KAR 5:072) as filed on May 12, 2000. EQC would like to commend you and Secretary James Bickford for your recent efforts to move forward with this regulation and your actions to secure \$18 million in cost share funds to assist farmers in complying with these regulations.

EQC strongly supports the proposed permanent CAFO regulation. We believe measures such as these will begin to address a number of environmental, public health, and quality of life issues associated with CAFOs in Kentucky.

EQC would like to emphasize how important the integrator liability provision of the regulation is to Kentucky and its citizens. This requirement makes the grower and owner of the animals jointly and severally liable for complying with the KPDES permit. This requirement works to protect Kentucky's environment, farmers and taxpayers by ensuring that if economic hardship occurs to a contract farmer, the integrator will share responsibility for the clean up of the waste and dead animals.

While this regulation addresses several CAFO issues, the Commission has additional concerns and offers the following recommendations.

- In section 4(2), the regulation stipulates that permanent litter storage setbacks for poultry CAFOs do not apply to operations in existence before February 14, 2000. EQC urges the Natural

Resources and Environmental Protection Cabinet to strengthen this provision to ensure that these permanent litter storage structures are operated in an environmentally sound manner that takes into consideration performance based standards.

- Strengthen technical assistance and training programs for owners and operators.
- Develop and fund a strong and consistent CAFO/AFO enforcement program.

We appreciate the opportunity to offer the above recommendations to you and your

administration. Please feel free to contact the commission, if you have any questions or care to discuss these issues further. We would like to thank you for your attention and interest in this urgent matter.

Sincerely,

A handwritten signature in cursive script that reads "Patty Wallace". The signature is written in dark ink on a light background.

Patty Wallace, Commissioner

Environmental Quality Commission

C: James E. Bickford, Secretary, Natural Resources and Environmental Protection

Cabinet

Bob Logan, Commissioner, Department for Environmental Protection